

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/939,005 Confirmation No. 3418
Applicant : Jason D. Hibbeler, et al.
Filed : August 24, 2001
TC/A.U. : 2124
Examiner : Carlene Michelle GORDON
Docket No. : POU920010019US1
Customer No. : 23334
Title : DYNAMIC CPU USAGE PROFILING AND FUNCTION
CALL TRACING

37 C.F.R. § 1.131 DECLARATION

We, the undersigned, are the Applicants for the above-identified patent application and hereby declare the following:

- (1) Claims 1-8 and 9-16 of the above-identified patent application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ingles "A Parallel Tools Consortium Project: Dynamic Probe Class Library," published on August 30, 2000 and further in view of Livermore National Laboratory "Performance Analysis Tools," published on February 26, 2001.
- (2) The invention claimed in the above-identified patent application was reduced to writing in the United States prior to the February 26, 2001 date in the comment section of the Livermore National Laboratory reference and prior to the August 30, 2000 date in the footer of the Ingles reference. Attached hereto is the relevant portion of an Invention Disclosure on which the above-identified patent application was based. This Invention Disclosure was prepared prior to August 30, 2000.

We, the undersigned, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Jason D. Hibbeler

Signature: Jason D. Hibbeler Date: 1-6-2005

Name: Jhy-Chung Wang *

Signature: _____ Date: _____

* Unavailable for signature under MPEP § 715.04.

140-A01-001

09/939,005

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NO. 575 P. 2/4

EXPRESS MAIL LABEL NO. EL746146730US

PATENT

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DYNAMIC CPU USAGE PROFILING AND FUNCTION CALL TRACING

the specification of which: (check one)

☒ is attached hereto.

_____ was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

I hereby claim the benefit of foreign priority under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application the priority of which is claimed:

Prior Foreign Application(s):

Priority Claimed

_____ Yes ☒ No
(Number) (Country) (Filing Date)

I hereby claim the benefit of United States priority under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial #) _____ (Filing Date) _____ (Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Docket No. POU920010019US1

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NO.575 P.3/4

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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